

<div>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</div> <div><input type="checkbox"/> Individual appearing without attorney <input type="checkbox"/> Attorney for:</div>		<div>FOR COURT USE ONLY</div>	
<div>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - _____ DIVISION</div>			
<div>In re:</div> <div>Debtor(s).</div>		<div>CASE NO.:</div> <div>CHAPTER:</div>	
		<div>RESPONSE TO MOTION FOR ORDER TO TERMINATE, ANNUL, MODIFY, OR CONDITION THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 AND DECLARATION(S) IN SUPPORT</div>	
		<div>DATE:</div> <div>TIME:</div> <div>COURTROOM:</div> <div>PLACE:</div>	

FOR COURT USE ONLY

**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA - \_\_\_\_\_ DIVISION**

CASE NO.:

**RESPONSE TO MOTION FOR ORDER TO  
TERMINATE, ANNUL, MODIFY, OR  
CONDITION THE AUTOMATIC STAY  
UNDER 11 U.S.C. § 362 AND  
DECLARATION(S) IN SUPPORT**

Debtor(s).

**Movant:** \_\_\_\_\_

**GENERAL NOTE:** A request for additional time is **not** usually an adequate response in opposition to the Motion. This Response, supporting declaration(s) and other admissible evidence must be filed with the court and served pursuant to the LBRs.

2. ☐ **LIMITED OPPOSITION -- APPEARANCE REQUIRED:** Respondent opposes the Motion only to the extent that it seeks immediate relief from stay. Respondent requests that no lock out, foreclosure, or repossession shall take place before (*specify date*):

The reason for this request is (*specify*):

3. ☐ **OPPOSITION -- APPEARANCE REQUIRED:** Notice is hereby given that the Respondent opposes the granting of the Motion for the reasons set forth below.

- a. Respondent disputes the allegations/evidence contained in the Motion. As shown in the Declaration(s) filed with this Response:

☐ The value of the Property is \$\_\_\_\_\_, based upon (*specify*):

☐ Total amount of debt (loans) on the Property is \$\_\_\_\_\_.

☐ More payments have been made to Movant than the Motion has accounted for. True and correct copies of canceled checks proving the payments that have been made are attached as Exhibit \_\_\_\_\_.

☐ The Property is necessary for an effective reorganization. Respondent has filed or intends to file a plan requiring the Property. A true and correct copy of the Plan is attached as Exhibit \_\_\_\_\_.

☐ The Property is insured. A true and correct copy of the policy currently in effect is attached as Exhibit \_\_\_\_\_.

☐ The Movant's description of the status of the unlawful detainer proceeding is not accurate. See attached Declaration for Respondent's evidence.

☐ Respondent denies that this bankruptcy was filed in bad faith or improperly. See attached Declaration containing Respondent's evidence.

☐ Debtor would be prejudiced if the lawsuit or administrative proceeding is allowed to continue outside the bankruptcy court. See attached Declaration regarding Respondent's contentions.

☐ Service of the Motion: ☐ Not all parties were served ☐ Insufficient notice of the hearing

☐ Incorrect address used for (*specify*): \_\_\_\_\_

☐ Other (*specify*):

b. Respondent asserts:

- ☐ Case has been converted from chapter \_\_\_\_\_ to chapter \_\_\_\_\_.
- ☐ All postpetition arrears will be cured by the hearing date.
- ☐ The Debtor has equity in the Property in the amount of \$\_\_\_\_\_.
- ☐ Movant has an equity cushion of \$\_\_\_\_\_ which is sufficient to provide adequate protection.
- ☐ The Property is necessary for an effective reorganization because (*specify reasons why*):
  
- ☐ The Motion should be denied because (*specify*):

4. EVIDENCE IN SUPPORT OF RESPONSE AND SUPPORTING PAPERS:

**NOTE REGARDING SUPPORTING PAPERS:** *Declarations in opposition to the Motion **MUST** be attached hereto. Any individual signing a declaration must have personal knowledge of the facts stated in it and should attach any supporting documents, if possible. You may attach a Memorandum of Points and Authorities if you desire, but it is not required.*

**NOTE REGARDING SERVICE OF RESPONSE AND SUPPORTING PAPERS:** *Pursuant to the LBRs, you must file with the clerk this completed Response along with supporting declaration(s) signed under penalty of perjury, AND also serve a copy of the Response and declaration(s) on the Movant's attorney (or Movant, if no attorney), the trustee, the United States trustee, and all other parties to the Motion.*

Pursuant to the LBRs, attached hereto are the following papers in support of this Response:

- |  |   |
|--|---|
| <input type="checkbox"/> Declaration by Debtor     | <input type="checkbox"/> Declaration by Debtor's attorney                         |
| <input type="checkbox"/> Declaration by trustee    | <input type="checkbox"/> Declaration by trustee's attorney                        |
| <input type="checkbox"/> Declaration by appraiser  | <input type="checkbox"/> Memorandum of Points and Authorities ( <i>optional</i> ) |
| <input type="checkbox"/> Other ( <i>specify</i> ): |   |

Date: \_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_  
Printed name of Respondent

\_\_\_\_\_  
Printed name of law firm (if applicable)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed name of Respondent or attorney for Respondent

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled: **RESPONSE TO MOTION FOR ORDER TO TERMINATE, ANNUL, MODIFY, OR CONDITION THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 AND DECLARATION(S) IN SUPPORT** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* \_\_\_\_\_, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On *(date)* \_\_\_\_\_, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** *(state method for each person or entity served)*: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*Signature*

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This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.